

REMARKS

Claim Status

The Office Action mailed April 19, 2006 has been reviewed and carefully considered. Claims 25 and 37 have been canceled without prejudice or disclaimer. Claims 1, 16, and 36 are currently amended for clarity and to delete recitations added in Applicant's amendment filed March 10, 2006. New claims 38 through 45 are presented corresponding to original claims 3, 4, 19, 31 through 35, respectively, which were previously cancelled. Claims 1 through 24, 26 through 36 are now pending in the application. Favorable reconsideration of this application on the basis of the amendments and remarks as presented herein is respectfully requested.

Claim Rejections Under 35 USC §§ 102 and 103

The Office Action rejects claims 1 through 2, 6 through 12, 14 through 18, 20, 23, 25 through 27, 30, 31, 33, 36, and 37 under 35 USC § 102(e) as being allegedly anticipated by Reynolds et al. (US Patent No. 6799327 B1). Also, under 35 USC § 103(a), the Office Action rejects (i) claims 13, 21 as allegedly being unpatentable over Reynolds et al. in view of Klosterman et al. (US Patent No. 6469753 B1); (ii) claims 22, 24 as allegedly being unpatentable over Reynolds et al. in view of Schein et al. (US Patent No. 6388714 B1); and (iii) claims 5, 18, 28, 29 as allegedly being unpatentable over Reynolds et al. in view of Alexander et al. (US Patent no. 6799327 B1). Applicant respectfully traverses these rejections and requests that these rejections be withdrawn for at least the reasons presented below.

Regarding claim 1, Reynolds discusses television program guides equipped with "pseudo-ads," where the pseudo-ads include non-advertising subject matter such as games, weather information, celebrity interviews. Viewers may customize the display of advertising

information using buttons on a remote control or set-top box to display desired regular advertisement or pseudo-ads. Abstract. Advertising information may be embedded in program listings such as in regions 142. These regions 142 may be used to display pseudo-ads as well as regular advertisements. In one embodiment, advertising information may be provided within the program listings, and may scroll or page along with them. In another embodiment, program listings may scroll past embedded regions 142 that remain stationary. Col. 9, lines 1 through 11.

By contrast to Reynolds, the system of independent claim 1, and the claims dependent thereon, comprise a method of displaying advertising in an electronic program guide on a display device, the electronic program guide comprising at least a list of program cells each containing a program choice available for viewing, the method including scrolling the list of program cells on display device in a first direction in accordance with a first scrolling scheme; displaying an advertisement cell within the list of program cells, and moving the advertisement cell in the first direction in accordance with a second scheme different than the first scrolling scheme as the list of program cells scrolls in the first direction.

In sharp contrast to claim 1, Reynolds, considered separately or in combination with the prior art of record, fails to teach, disclose or otherwise suggest, *inter alia*, “moving the advertisement cell in the first direction in accordance with a second scheme different than the first scrolling scheme as the list of program cells scrolls in the first direction.” as recited in claim 1.

Reynolds discusses the movement of advertisement with respect to program listing occurs in either one of two ways. Col. 9, lines 1 through 11. In an embodiment, advertising information is stagnant or stationary with respect to scrolling of the program listing. This embodiment fails to discuss moving the advertisement cell in the first direction as the list of

program cells scrolls as is stated in the claims. Since the advertisement is stationary, it can not move in the first direction as the list of program cells scrolls.

In an alternative embodiment, Reynolds discusses scrolling or paging of advertisement along with the movement of program listings. At best, this embodiment suggests movement of advertisement synchronously, namely, lock-step, with the scrolling and the paging of program listings. As shown in Fig. 5, item 142 and Col. 9, lines 2 through 5, pseudo-ads are embedded as part of the program listing and will scroll along or page along with the scrolling or paging of program listing. As such, the advertisement does not scroll in accordance with a second scheme different than the first scrolling scheme and in the first direction as the list of program cells scrolls, as claimed by Applicant (Claim 1).

Regarding claim 16, Reynolds, considered separately or in combination with the prior art of record, fails to teach, disclose or otherwise suggest, *inter alia*, "scrolling the grid to display the listing of other channels and the starting times of other programs broadcast via other channels, wherein over a time interval during which the schedule data is scrolled in one direction the schedule data and advertising data are scrolled at least partially independently of each other," as recited in claim 16.

In an embodiment, Reynolds discusses scrolling or paging of advertisement along with the movement of program listings. As noted above, this embodiment at best suggests movement of advertisement synchronously with the scrolling and the paging of program listings. As shown in Fig. 5, item 142 and Col. 9, lines 2 through 5, pseudo-ads are embedded as part of the program listing and will scroll along or page along with the scrolling or paging of program listing. Accordingly, the schedule data and advertising data in Reynolds fails to discuss over a time interval during which the schedule data is scrolled in one direction the schedule data and

advertising data scrolled at least partially independently of each other, as required by Applicant's claim 16.

Regarding claim 36, Reynolds, considered separately or in combination, fails to teach, disclose or otherwise suggest "wherein during a first time the program cells and advertisement cell move in concurrent fashion and during a second time the advertisement cell remains stationary on the display device during movement of the program cells, wherein the first time and the second time occurs during a single scrolling movement of program cells in one direction," as is recited in claim 36.

In an embodiment, Reynolds discusses scrolling or paging of advertisement along with the movement of program listings. At best, this embodiment suggests movement of advertisement synchronously with the scrolling and the paging of program listings. As shown in Fig. 5, item 142 and Col. 9, lines 2 through 5, pseudo-ads are embedded as part of the program listing and will scroll along or page along with the scrolling or paging of program listing. Reynolds also discusses a separate and distinct embodiment in which the advertisement remains stationary as the program listing scrolls. Reynolds, however, is silent regarding a concurrent movement during a first time and a stationary advertisement cell with program cell movement during a second time, with the first and second times occurring during a single scrolling movement of program cells in one direction, as claimed by Applicant (claim 36).

Applicant respectfully submits that the rejected claims that are dependent on the foregoing independent claims recite additional features that further substantially distinguish the invention of the present application over the art of record. Given Applicant's position on the patentability of the independent claims, however, it is not deemed necessary at this point to delineate such distinctions.

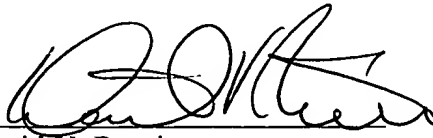
New Claims 38 through 45

Applicant has added new claims 38 through 45 to claim subject matter corresponding to that originally presented in cancelled claims 3, 4, 19, and 31 through 35. Claims 38 through 40 are each dependent on one of independent claims 1 and 16, and are thus believed to be allowable for at least similar reasons. Claims 41 and 43 are independent and each recite, *inter alia*, "a second scrolling scheme different than the first scrolling scheme while the listing is scrolling in accordance with the first scrolling scheme." Accordingly, Applicant respectfully submits that claims 41 and 43 (and claims dependent thereon) are allowable over the prior art of record for at least similar reasons to those presented above with respect to claim 1.

In sum, for at least the above reasons, Applicant submits that the present invention, as claimed, is patentable over the cited references of record. Accordingly, reconsideration and allowance of pending claims 1 through 24 and 26 through 36 is respectfully solicited. To expedite prosecution, the Examiner is invited to contact the Applicant's representative at the telephone number indicated below.

Respectfully submitted,

Date: August 21, 2006



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